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8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. PT-2011-2098

12 **JUDI DIANNE BROOKS-MACIAS**
13 **a.k.a. JUDI DIANNE BROOKS**
21210 E. Arrow Hwy., Apt. 68
14 Covina, CA 91724

A C C U S A T I O N

15 Psychiatric Technician License No. PT 31545

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
21 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
22 Technicians, Department of Consumer Affairs.

23 2. On or about December 19, 2002, the Board of Vocational Nursing and Psychiatric
24 Technicians (Board) issued Psychiatric Technician License No. PT 31545 to Judi Dianne Brooks-
25 Macias, also known as Judi Dianne Brooks (Respondent). The Psychiatric Technician License
26 was in full force and effect at all times relevant to the charges brought herein and expired on
27 October 31, 2012, and has not been renewed.

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1 7. Section 4521 states:

2 "The board may suspend or revoke a license issued under this chapter [the Psychiatric
3 Technicians Law (Bus. & Prof Code, 4500, et seq.))] for any of the following reasons:

4 "(a) Unprofessional conduct, which includes but is not limited to any of the following:

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6 (5) Use any controlled substance as defined in Division 10 (commencing
7 with Section 11000) of the Health and Safety Code, or any dangerous drug as defined
8 in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
9 injurious to himself or herself, any other person, or the public or to the extent that the
10 use impairs his or her ability to conduct with safety to the public the practice
11 authorized by his or her license.

12 (6) Be convicted of a criminal offense involving the falsification of
13 records concerning prescription, possession, or consumption of any of the substances
14 described in paragraphs (4) and (5), in which event the record of the conviction is
15 conclusive evidence of the conviction. The board may inquire into the circumstances
16 surrounding the commission of the crime in order to fix the degree of discipline.

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18 "(f) Conviction of any offense substantially related to the qualifications, functions, and
19 duties of a psychiatric technician, in which event the record of the conviction shall be conclusive
20 evidence of the conviction. The board may inquire into the circumstances surrounding the
21 commission of the crime in order to fix the degree of discipline."

22 **REGULATORY PROVISIONS**

23 8. California Code of Regulations, title 16, section 2578, states, in pertinent part:

24 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
25 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
26 considered to be substantially related to the qualifications, functions or duties of a licensed
27 psychiatric technician if to a substantial degree it evidences present or potential unfitness of a

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1 licensed psychiatric technician to perform the functions authorized by his license in a manner
2 consistent with the public health, safety, or welfare."

3 **COST RECOVERY**

4 9. Section 125.3 provides, in pertinent part, that a Board may request the administrative
5 law judge to direct a licensee found to have committed a violation or violations of the licensing
6 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
7 case.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Conviction of a Substantially Related Crime)**

10 10. Respondent is subject to disciplinary action under section 4521, subdivision (f) and
11 490, in conjunction with California Code of Regulations, title 16, section 2578, in that
12 Respondent has been convicted of a crime substantially related to the qualifications, functions or
13 duties of a licensed psychiatric technician. On or about October 28, 2011, after pleading nolo
14 contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code
15 section 23152, subdivision (b) [driving while having 0.08% or more, by weight, of alcohol in her
16 blood] in the criminal proceeding entitled *The People of the State of California v. Judi Dianne*
17 *Brooks* (Super Ct. Los Angeles County, 2011, No. 1PK05264). The Court sentenced Respondent
18 to 45 days in Los Angeles County Jail and placed her on 3 years probation, with terms and
19 conditions, including ordering her to participate in and successfully complete an 18-month
20 licensed second offender alcohol, drug education and counseling program. The circumstances
21 surrounding the conviction are that on or about May 18, 2011, during a traffic collision
22 investigation, by the California Highway Patrol Department, Respondent was contacted. While
23 speaking to Respondent, the officer detected an alcoholic beverage emitting from her person and
24 her breath. She was observed to have red watery eyes and her speech was slow and slurred.
25 When asked if she had consumed any alcoholic beverages earlier in the evening, Respondent
26 admitted to drinking a tall glass of Vodka Collins, during lunchtime with her coworkers.
27 Respondent submitted to a Preliminary Alcohol Screening (PAS) that resulted in a breath-alcohol
28 content level of 0.103% on the first reading and 0.108% on the second reading.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 11. Respondent is subject to disciplinary action under section 4521, subdivision (a)(5), on
4 the grounds of unprofessional conduct, in that on or about May 18, 2011, Respondent used
5 alcoholic beverages to an extent or in a manner dangerous or injurious to herself, any person, or
6 the public. Complainant refers to, and by this reference incorporates, the allegations set forth
7 above in paragraph 10, as though set forth fully.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Conviction Involving the Consumption of Alcohol)**

10 12. Respondent is subject to disciplinary action under section 4521, subdivision (a)(6), on
11 the grounds of unprofessional conduct, in that on or about October 28, 2011, Respondent was
12 convicted of a crime involving the consumption of alcohol. Complainant refers to and by this
13 reference incorporates, the allegation set forth above in paragraph 10, as though set forth fully.

14 **DISCIPLINARY CONSIDERATIONS**

15 13. In order to determine the degree of discipline, if any to be imposed on Respondent,
16 Complainant alleges that on or about July 22, 2010, the Board issued Citation and Fine No. 10-
17 0122-L to Respondent for violating section 4521, subdivisions (a)(6) and (f), resulting in the
18 issuance of a \$500.00 administrative fine. Respondent has complied with the Citation and paid
19 the administrative fine in full, effective 9/9/10. The circumstances surrounding the issuance of
20 the Citation are as set forth below:

21 a. On or about February 1, 2010, Respondent was convicted by a jury of one
22 misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving under the
23 influence of alcohol or drugs] and one misdemeanor count of Vehicle Code section 23152,
24 subdivision (b) [driving while having 0.08% or more, by weight, of alcohol in her blood] in the
25 criminal proceeding entitled *The People of the State of California v. Judi Dianne Brooks* (Super
26 Ct. Los Angeles County, 2010, No. 9PK00541). The Court placed Respondent on 3 years
27 probation, with terms and conditions, including ordering her to enroll, participate in and
28 successfully complete a 3-month licensed first offender alcohol, drug education and counseling

1 program. The circumstances surrounding the conviction are that on or about November 9, 2008,
2 during an investigation, by the California Highway Patrol Department, Respondent was
3 contacted. While speaking to Respondent the detected a strong odor of an alcoholic beverage
4 emitting from her breath. She was observed to have red, watery, droopy eyes and her speech was
5 slurred and thick. When asked if she had consumed any alcoholic beverages, Respondent stated,
6 "I drank patron tequila. I drank Goldschlager. And some kind of spirit that was made by
7 Smirnoff in a bottle." When asked how much she had to drink, Respondent stated, "Like six
8 whole shots. No, five whole shots of Goldschlager and Patron." Respondent was subsequently
9 arrested for violating Vehicle Code section 23152, subdivision (a) [driving under the influence of
10 alcohol or drugs] and Vehicle Code section 23152, subdivision (b) [driving while having 0.08%
11 or more, by weight, of alcohol in her blood]. During the booking procedure, Respondent
12 submitted to blood test that resulted in a blood-alcohol content level of 0.14%.

13 b. On or about October 6, 2010, Respondent was convicted of one misdemeanor count
14 of violating Vehicle Code section 23103 [reckless driving] in the criminal proceeding entitled *The*
15 *People of the State of California v. Judi Dianne Brooks* (Super Ct. Los Angeles County, 2010,
16 No. 0PK00157). The Court placed Respondent on 3 years probation, with terms and conditions.
17 The circumstances surrounding the conviction are that on or about July 2, 2009, Respondent was
18 arrested.

19 c. On or about December 19, 2002, the Board issued Respondent her Psychiatric
20 Technician License.

21 d. On or about April 7, 1997, after pleading nolo contendere, Respondent was convicted
22 of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving
23 while having 0.08% or more, by weight, of alcohol in her blood] and one misdemeanor count of
24 violating Vehicle Code section 20002, subdivision (a) [hit and run: property damage] in the
25 criminal proceeding entitled *The People of the State of California v. Judi Dianne Brooks* (Super
26 Ct. Los Angeles County, 1997, No. 7WH01764). The Court placed Respondent on 36 months
27 probation, with terms and conditions. The circumstances surrounding the conviction are that on
28 or about January 18, 1997, Respondent was arrested.

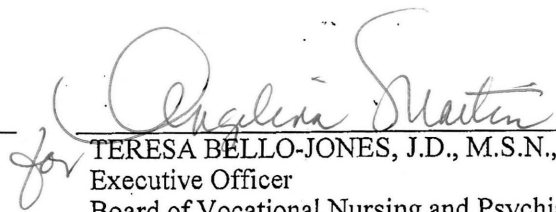
1 e. On or about April 20, 1992, after pleading guilty, Respondent was convicted of one
2 misdemeanor count of violating Penal Code section 415, subdivision (2) [disturbing the peace] in
3 the criminal proceeding entitled *The People of the State of California v. Judi Dianne Brooks*
4 (Super Ct. Los Angeles County, 1992, No. 92M00018). The Court placed Respondent on 1 year
5 of probation, with terms and conditions. The circumstances surrounding the conviction are that
6 on or about December 11, 1991, Respondent was arrested.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board issue a decision:

- 10 1. Revoking or suspending Psychiatric Technician License No. PT 31545, issued to Judi
11 Dianne Brooks-Macias, also known as Judi Dianne Brooks;
- 12 2. Ordering Judi Dianne Brooks-Macias, also known as Judi Dianne Brooks to pay the
13 Board the reasonable costs of the investigation and enforcement of this case, pursuant to section
14 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.

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17 DATED: May 31, 2013

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19 TERESA BELLO-JONES, J.D., M.S.N., R.N.
20 Executive Officer
21 Board of Vocational Nursing and Psychiatric Technicians
22 Department of Consumer Affairs
23 State of California
24 Complainant

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